In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.5001 of 2006.

Date of decision:30.8.2007.

Ram Kishan

...Petitioner.

Versus

Financial Commissioner Appeals-II and others.

...Respondent.

...

Coram: Hon'ble Mr. Justice K. S. Garewal.

Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr. Sarju Puri Advocate for the petitioner.

Mr. Arun Takhi Advocate for respondent No.4.

...

Judgment.

S. N. Aggarwal, J.

Munshi Ram, Lamberdar (reserve category) of village Barian Kalan died on 23.4.2002. Process was initiated for filling up the vacancy. Applications were invited. Six persons applied. The first proposal reached upto the level of Sub Divisional Magistrate, Garhshankar but the file was returned because of non appearance of the parties before him. In the second round, Naib Tehsildar vide his report dated 17.10.2003 recommended the name of Gian Chand, respondent No.4 as Lamberdar (reserve category) of village Barian Kalan. The Tehsildar endorsed the same but the Sub Divisional Magistrate, Garhshankar recommended the name of the

petitioner. The matter reached District Collector, Hoshiarpur who weighed merits and de-merits of each candidate and recommended the name of Gian Chand, respondent No.4 vide his letter dated 11.3.2004 (Annexure P-1). The appeal filed by the petitioner was dismissed by the Commissioner, Jalandhar Division, Jalandhar vide order dated 10.2.2005 (Annexure P-2). The petitioner filed revision petition in the Court of Financial Commissioner, Punjab, Chandigarh. The revision petition was dismissed vide order dated 22.11.2005 (Annexure P-4).

Hence, the writ petition.

The submission of learned counsel for the petitioner was that the petitioner was an ex-serviceman and the Financial Commissioner, respondent No.1 had dismissed the revision petition filed by the petitioner without considering merits and de-merits of each candidate. On the other hand, the learned counsel for the contesting respondent submitted that since a detailed order was passed by the Collector on 11.3.2004 (Annexure P-1), therefore, the learned Financial Commissioner was only to examine if the said order suffered from any irregularity or illegality.

Submissions have been considered.

Order passed by the Financial Commissioner on 22.11.2005 (Annexure P-4) is a very sketchy order. After all, the Financial Commissioner was the last authority on the revenue side. Therefore, it was required to consider the merits and de-merits of each candidate and was supposed to pass a detailed order in support of conclusions arrived at by him. Accordingly, order dated 22.11.2005 is set aside and the matter is remanded to the Financial Commissioner , Appeals-II, Punjab, Chandigarh

for re-deciding the revision petition filed by Ram Kishan petitioner by passing a well reasoned and speaking order.

(S. N. Aggarwal)
Judge

August 30,2007.
Jaggi

(K. S. Garewal)
Judge